UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Anton Oppel et al.
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Group Art Unit:	3673
Examiner:	Alyson Marie Merlino
Title:	ELECTRIC HOUSEHOLD APPLIANCE HAVING A CHILD SAFETY FEATURE

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Commissioner for Patents
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APPEAL BRIEF

Pursuant to 37 CFR 1.192, Appellants hereby file an Appeal Brief in the above-identified application. This Appeal Brief is accompanied by the requisite fee set forth in 37 CFR 1.17(f).

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH. The application and the invention disclosed in the application were assigned to BSH Bosch Und Siemens Hausgerate GMBH by virtue of an Assignment executed on June 7 and June 14, 2006, which is recorded at Reel 18784, Frame 327 of the U.S. Patent & Trademark Assignment Records, effective January 22, 2007.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 1-21, 33 and 40-42 have been canceled. Claims 22-32, 34-39, 43 and 44 are pending and stand rejected. The final rejection of claims 22-32, 34-39, 43 and 44 is being appealed.

(4) STATUS OF AMENDMENTS

All Amendments, including the Amendment filed May 18, 2010 have been entered.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

A description of the subject matter recited in the pending claims that are argued separately is set forth below, along with an indication of the portions of the specification and drawings that provide support for these features. The reference numbers appearing the following description correspond to the reference numbers in the drawings, which illustrate embodiments of the claimed devices.

Although all pending claims have been rejected under 35 U.S.C. §112, second paragraph, it appears that the Examiner had particular objections to claims 22, 26 and 31. For this reason, the following description focuses on claims 22, 26 and 31. These claims are argued separately below.

A. Claim 22

Claim 22 is directed to an electric household appliance that includes a receptacle for receiving items to be handled by the electric household appliance, a door permitting access to the receptacle, and a door lock for the door. At least Figure 13 illustrates a household appliance with a receptacle, and a door 95 permitting access to the receptacle. Various different door locks are disclosed in the application. However, claim 22 is primarily directed to a door lock as illustrated in Figures 2-7. Thus, the following description will focus on the embodiment illustrated in those Figures.

Claim 22 recites that the door lock has a frame 10 located on the door, with an opening 36 for a hook 38. Figure 2 illustrates the door in a partially opened position. Figure 3 illustrates the door in a closed position, where the hook 38 has passes through the opening 36 in the frame 10 and where the hook has been gripped by the door lock. See Figures 2 and 3 and the specification between page 8, line 1 and page 9, line 7.

The door lock includes a closing member 12 that is movably mounted in the frame 10. A closing spring 16 is disposed between the closing member 12 and a counter-bearing 18 in the frame 10. As illustrated in Figures 2 and 3, the closing spring 16 biases the upper end of the closing member away from the counter-bearing 18 of the frame. Because the closing member 12 is rotatably mounted on the frame 10 on an axis 14, the closing spring 16 biases the closing member to rotate in the counter-clockwise direction. See Figures 2 and 3, and the specification at page 8, lines 1-4.

Claim 22 recites a gripping device that can be gripped and moved by a user to open the door lock. Claim 22 also recites that the closing member 12 is operatively connected to the gripping device. The gripping device recited in claim 22 includes various elements which perform various different functions. One portion of the gripping device is grasped by a user to open the door lock. Another portion of the gripping device engages with and holds the hook 38 to keep the door in the closed position.

The gripping device includes the generally circular member 20, which is rotationally mounted on the closing member 12. This member 20 includes a gripping latch 34, a slide edge 30 and a stop edge 32. The gripping device also includes the element that is grasped by the user, which includes the opening lever 52, and an arm 54. This element is rotationally mounted on the frame 10 so that when a user pulls upward on the opening lever 52, the arm 54 tends to rotate the closing member 12 in

the clockwise direction. See Figures 2 and 3, and the specification between page 8, line 6 and page 9, line 16.

When a user closes the door of the appliance, the front portion 49 of the hook 38 is received in the gripping latch 34 of member 20. As the door is pushed toward the closed position, the front portion 49 of the hook pushes on the gripping latch to cause member 20 to rotate in the counter-clockwise direction until the slide edge 30 aligns with the corner 44 of the frame. At this point, the closing spring 16 causes the closing member 12 to rotate in the counter-clockwise direction, until the lock assumes the configuration illustrated in Figure 3.

When in the configuration illustrated in Figure 3, the engagement between the slide edge 30 of member 20 and the surface 46 of the frame prevents the member 20 from rotating in the clockwise direction. And this means that the front portion 49 of the hook 38 is held in the gripping latch 34, keeping the door closed.

When a user wishes to open the door, the user lifts upward on the opening lever 52, which causes the arm 54 to push against the upper portion of the closing member 12, rotating the closing member in the clockwise direction. Once the closing member 12 has rotated far enough in the clockwise direction, the slide edge 30 is no longer constrained by the surface 46 of the frame. At this point, a spring 24 causes the member 20 to rotate in the clockwise direction, which releases the front portion 49 of the hook 38 from the gripping latch 34, thereby allowing the door to open. See the specification between page 8, line 6 and page 9, line 16.

Claim 22 also recites means for selectively blocking movement of the closing member. Claim 22 recites that the means for selectively blocking movement of the closing member is selectively positionable at a first position in which the means for selectively blocking movement of the closing member blocks a movement of the closing member, whereupon the blocked movement of the closing member operates as a child safety feature. Claim 22 further recites that the means for selectively blocking can be positioned at a second position in which the means for selectively blocking movement of the closing member does not block movement of the closing member, whereupon the child safety feature is deactivated.

In the embodiment illustrated in Figures 2-6, the "means for selectively blocking" includes, among other features, a locking head 74 which is mounted on the end of a

pivoted lever 75, which is itself mounted on a pivoted shaft 76. The pivoted shaft 76 is pivotally mounted on the frame 10. A spring 81 tends to rotate the pivoted shaft in a particular direction.

Assume that the door lock is latched closed, as illustrated in Figure 3, and that the blocking means is located in the first (or locked) position. In this state, a first portion of the locking head 74 would be located within a recess of a portion of the door, a sidewall of the frame, or a control panel. In addition, a second portion of the locking head 74 would be located within a recess of the closing member 12, or it would be resting upon an edge of the closing member 12. If a user attempted to open the door lock by pulling upward on a gripping device 52, the gripping device 52 would apply a force to the closing member 12 that would tend to rotate the closing member 12 in the clockwise direction. However, because the locking head 74 is engaged with the closing member 12, the closing member cannot move to the open position.

The blocking means is deliberately constructed so that a first portion of the locking head 74 is engaged with the closing member 12 and a second portion of the locking head 74 engaged with a recess on the door, frame or control panel so that the force exerted on the locking head 74 by the closing member 12 does not have to be withstood by the blocking means alone. Also, the spring 81 exerts a biasing force that keeps the locking head engaged with the closing member 12.

However, if a user pushes on an adjusting lever 82 which also projects from the pivoted shaft 76, the user can cause the pivoted shaft 76 to rotate against the biasing force of the spring 81. And the rotation of the pivoted shaft 76 brings the locking head 74 out of engagement with the closing member 12, which means the closing member is free to rotate in the clockwise direction to the open position illustrated in Figure 2. See the specification between page 10, line 4 and page 13, line 18.

B. Claim 26

Claim 26 depends from claims 22, 23 and 25. In addition to the features described above for claim 22, claim 26 recites that when the means for selectively blocking is in the first position, with the child safety feature activated, a locking head 74 of the means for selectively blocking is inserted into a recess of the closing member 12 and the movement of the closing member 12 is thereby positively blocked. As

explained above, the engagement of the locking head 74 in a recess of the closing member 12 prevents the closing member 12 from rotating to the open position. See Figure 3, and the specification between page 11, line 23 and page 12, line 8.

Claim 26 further recites that when the means for selectively blocking is located in the second position, with the child safety feature deactivated, the locking head 74 of the means for selectively blocking is located outside the recess of the closing member 12 and thereby the movement of the closing member is not blocked. See Figure 2, and the specification between page 12, line 10 and page 13, line 18.

Claim 26 recites that the locking head 74 of the means for selectively blocking moves between the first position and the second position in a direction of movement that is substantially perpendicular to the direction of movement of the closing member 12. As illustrated in Figures 2 and 3, rotation of the pivoted shaft 76 causes the locking head 74 to move laterally in a direction that is essentially perpendicular to the direction of movement of the closing member 12. See the specification between page 12, line 10 and page 13, line 18.

Claim 26 further recites that the locking head 74 of the means for selectively blocking has a conical shape with increasing diameter beginning at the free end 70 of the locking head. Such an embodiment is illustrated in Figure 7. As a result of the shape of the locking head 74 illustrated in Figure 7, when very high forces act on the closing member 12, angled contact between a circumferential surface of the locking head 74 and a bearing surface of the recess of the closing member 12 generates a normal force that causes the locking head to disengage from the closing member, thereby allowing the closing member to move to the open position. In other words, the angled contact causes the means for selectively blocking to move into the second position.

The specification explains that when a very large force is exerted on the closing member 12 by the user pushing upward on the opening lever 52, a normal force is applied to the angled surface of the locking head. This normal force tends to push the locking head out of the recess in the locking member 12. As a result, when a large force is exerted by the user to open the lock, even if the user does not manually push the locking head out the recess, the normal force generated by contact between the edge of the recess and the angled surface of the conical locking head pushes the

locking head out of the recess so that the lock can open. See the specification at page 11, lines 9-18.

C. Claim 31

Claim 31 depends from claims 22, 28 and 30. In addition to the features explained above in connection with claim 22, claim 31 recites that the means for selectively blocking comprises a locking head 74 that is fixed to a pivoted shaft 76 by means of a pivoted lever 75 so that the locking head 74 of the means for selectively blocking can execute a rotary movement between the first position and the second position. These features are illustrated in Figures 2-4 and described in the specification at page 10, lines 4-31.

Claim 31 also recites that the means for selectively blocking further comprises an adjusting lever 82 connected to the pivoted shaft 76, wherein a rectangular plate 86 is formed on the adjusting lever 82, the rectangular plate including a protruding locating lug 87 and a protruding limiting lug 88, and wherein the plate 86 is elastically deformable. These features are illustrated in Figures 4 and 5, and the specification at page 12, lines 15-30.

Finally, claim 31 recites a handle with a gripping shell, and wherein a free end of the adjusting lever projects partly over a slot-shaped recess in the gripping shell. An appliance door having a handle with a gripping shell 93 is illustrated in Figure 8. Claim 31 also recites that a lateral or horizontal movement of the free end of the adjusting lever 82 will cause pivoting movement of the pivoted shaft 76 that will cause the means for selectively blocking to be moved between the first position and the second position. See Figures 2-4 and the specification at page 13, lines 1-18.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 22-32, 34-39, 43 and 44 are indefinite, under 35 U.S.C. §112, second paragraph.

(7) ARGUMENT

As noted above, although all pending claims have been rejected under 35 U.S.C. §112, second paragraph, it appears that the Examiner is only objecting to claims 22, 26 and 31. Presumably, if one can establish that claim 22 is definite, then claim 22 and all claims that depend from claim 22 and are not otherwise objectionable would be allowable. For this reason, in the following arguments Appellant has grouped claim 22 with claims 23-25, 27-30, 34-39, 43 and 44, and only the features of claim 22 are addressed.

Because the Examiner has raised separate and additional objections to claim 26, claim 26 is addressed separately. Likewise, because the Examiner has raised separate and additional objections to claim 31, Claim 31 is addressed separately. Claim 32, which depends from claim 31, is grouped with claim 31.

A. Claims 22-25, 27-30, 34-39, 43 and 44

The Examiner objects to claim 22 because claim 22 recites a gripping device that can be gripped and moved by a user to open the door lock. The Examiner notes that the specification refers to element 20 appearing in Figures 2 and 3 as the gripping device. The Examiner notes that the user would actually grasp the opening lever 52 to open the door lock. The Examiner asserts that this alleged inconsistency renders the claim indefinite.

As explained in detail above, in the embodiment illustrated in Figures 2 and 3, the "gripping device" recited in claim 22 includes both the element identified by reference number 20, and the element that includes the opening lever 52 and the arm 54. There is no reason why a single recited claim feature must be limited to only a single physical element in a mechanism. In fact, it is extremely common for a single recited claim feature to correspond to and include numerous parts in an actual physical embodiment.

Moreover, it is common for a single physical element to include a plurality of features which perform a corresponding plurality of functions. This is also true of both of the physical elements that make up the recited gripping device.

In the embodiment illustrated in Figures 2 and 3, the first part of the recited gripping device includes both an opening lever 52 that can be grasped by a user to open the lock, and an arm 54 than can push against the closing member 12. The second element that make up the gripping device includes an element 20 that has a gripping latch 34 with a contact surface 42, as well as a cutout that is formed by a slide edge 30 and a stop edge 32.

The fact that the gripping device is made up of multiple components does not render claim 22 indefinite. And the fact that each of the elements that make up the gripping device includes multiple features that perform multiple functions likewise does not render the claim indefinite.

Moreover, it is respectfully submitted that the drawings and the descriptions provided in the specification clearly describe the lock mechanism and how it operates. The description also enables one of ordinary skill in the art to create a structure as recited in claim 22.

In view of all of the foregoing, it is respectfully submitted that the rejection of claims 22-25, 27-30, 34-39, 43 and 44 under 35 U.S.C. §112, second paragraph, should be withdrawn.

B. Claim 26

The Examiner appears to be objecting to claim 26 because the Examiner may not understand how the features recited in claim 26 operate. Alternatively, the Examiner may be confused about the actual configuration of the claimed locking head because of the embodiment illustrated in Figure 7 of the application.

As explained above, and with reference to the embodiments illustrated in Figures 2, 3 and 7, claim 26 recites that when the blocking means is in a first position, the blocking means prevents the closing member 12 from moving away from the locked position. Thus, the first position corresponds to the locking head 74 being engaged in the recess of the closing member 12.

Claim 26 also recites that when the blocking means is in the second position, movement of the closing member is not blocked. Thus, the second position corresponds to the locking head 74 coming out of engagement with the recess on the closing member 12.

The lock mechanism is designed so that the user can push the adjusting lever 85 sideways to cause the pivoting shaft 76 to rotate, which also causes the locking head 74 to move out of the recess in the closing member 12. This corresponds to moving the blocking means from the first position to the second position.

However, the application explains that the locking head 74 of the blocking means may be designed so that applying a sufficiently large force to the opening lever 52 in an attempt to open the lock will cause the locking head 74 to disengage from the recess in the closing member 12, even though the user is not also manually moving the locking head 74 out of engagement with the closing member 12 via a movement of the adjusting lever 84.

As noted above, claim 26 recites that the locking head has a conical shape with an increasing diameter beginning at the free end of the locking head. Figure 7 illustrates one way in which the locking head of the blocking means can be configured to have a generally conical shape. In this embodiment, the surface of the locking head 74 has a plurality of perpendicular steps which result in the locking head coming to a point at its free end 70. The free end 70 is the end that would be inserted into the recess of the closing member 12.

Although Figure 7 illustrates one embodiment of the locking head having a stepped surface, the specification makes it clear that this surface can be conical, which implies a smooth curved surface that comes to a point at the free end 70 of the locking head 74. See the specification at page 11, lines 9-18.

When a conical shaped locking head 74 is inserted into the recess of the closing member 12, and when a user lifts up on the opening lever 52 of the lock mechanism, the arm 54 will push the end of the closing member 12 toward the open position. This will cause an edge of the recess in the closing member 12 to bear against the conical surface of the locking head 74. And because the locking head is conical, this will mean that the edge of the recess in the closing member 12 will be bearing against a surface that is angled.

The angled contact between the edge of the recess and the conical surface of the locking head 74 will generate a force vector acting on the conical locking head that includes a component tending to push the conical locking head 74 out of the recess. And this force component will only be opposed by the friction between the two surfaces.

If a sufficiently large opening force is applied by the user, the component of the force vector pushing the conical locking head 74 out of the recess will overcome the frictional force opposing this movement, and the conical locking head 74 will be forced out of the recess, allowing the closing member 12 to move to the open position. Thus, applying a sufficiently large opening force to the opening lever 52 causes the blocking means to move from the first position to the second position.

In light of the explanation provided above, it is respectfully submitted that claim 26 is clear and definite, and that claim 26 is proper under 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

C. Claims 31 and 32

The Examiner appears to be objecting to claim 31 because it depends from claim 22, yet recites a handle with a gripping shell. The Examiner notes that the application discloses an embodiment of an appliance door having a handle with a gripping shell in Figure 8. The Examiner further notes that the embodiment illustrated in Figure 8 has a different type of locking mechanism than the one recited in claim 31. From these facts, the Examiner apparently concludes that claim 31 is indefinite. Applicant respectfully disagrees.

While it is certainly true that the embodiment illustrated in Figure 8 has a lock mechanism that is different from the one recited in claim 31, claim 31 does not attempt to claim the lock mechanism illustrated in Figure 8. Instead, claim 31 merely recites that the appliance door includes a handle with a gripping shell (one embodiment of which is illustrated in Figure 8). A handle with a gripping shell as illustrated in Figure 8 could be used on an appliance door having any of the various different lock mechanisms disclosed in the application.

Specifically, it is possible for an appliance door to include the lock mechanism recited in claim 31 (an embodiment of which is illustrated in Figures 2 and 3) as well as a handle with a gripping shell (as illustrated in Figure 8). Put another way, there is

nothing about the use of a handle with a gripping shell that necessarily requires the handle with a gripping shell to be used only on an appliance door having a lock mechanism as illustrated in Figure 8. There is nothing inconsistent in reciting both a lock as illustrated in Figures 2 and 3 and a handle with a gripping shell as illustrated in Figure 8 in the same claim, as is done in claim 31. The fact that these features are illustrated in different drawings of the application which are directed to different embodiments is irrelevant.

In view of the foregoing, it is respectfully submitted that claim 31 is proper under 35 U.S.C. §112, second paragraph. Withdrawal of the rejection of claim 31, as well as dependent claim 32, is respectfully requested.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejection.

Respectfully submitted,

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CLAIMS APPENDIX

1 – 21. Canceled.

22. (Rejected) An electric household appliance, comprising:

a receptacle for receiving items to be handled by the electric household appliance;

a door permitting access to the receptacle; and

a door lock for the door, the door lock having a frame located on the door with an opening for a hook, a closing member movably mounted in the frame, a closing spring disposed between the closing member and a counter-bearing in the frame, a gripping device that can be gripped and moved by a user to open the door lock, the closing member being operatively connected to the gripping device, and means for selectively blocking movement of the closing member, the means for selectively blocking movement of the closing member being selectively positionable between a first position in which the means for selectively blocking movement of the closing member blocks a movement of the closing member, whereupon the blocked movement of the closing member operates as a child safety feature and a second position in which the means for selectively blocking movement of the closing member does not block movement of the closing member, whereupon the child safety feature is deactivated.

23. (Rejected) The electric household appliance according to claim 22, wherein, in the first position with the child safety feature activated, a locking head of the means for selectively blocking is inserted into a recess of the closing member and the movement of the closing member is thereby positively blocked.

24. (Rejected) The electric household appliance according to claim 22, wherein the means for selectively blocking movement comprises a locking head which, in the first position of the means for selectively blocking with the child safety feature activated, is inserted in a recess of a portion of the frame so that as a result of a positive connection between the locking head and the recess, any forces applied to the locking head are transferred to the recess.

25. (Rejected) The electric household appliance according to claim 23, wherein when the means for selectively blocking is located in the second position with the child safety feature deactivated, the locking head of the means for selectively blocking is located outside the recess of the closing member and thereby the movement of the closing member is not blocked.

26. (Rejected) The electric household appliance according to claim 25, wherein the locking head of the means for selectively blocking moves between the first position and the second position in a direction of movement that is substantially perpendicular to the direction of movement of the closing member, and wherein the locking head of the means for selectively blocking has a conical shape with increasing diameter beginning at the free end of the locking head so that, when very high forces act on the closing member, angled contact between a circumferential surface of the locking head and a bearing surface of the recess of the closing member generates a normal force that causes, the means for selectively blocking to move into the second position.

27. (Rejected) The electric household appliance according to claim 22, wherein the closing spring is tensioned, and wherein the gripping device is pressed against a part of the frame by the closing spring at a contact point when the door lock is in an open position, wherein the gripping device has a gripping latch into which the hook is guided on passing through the opening in the frame and has a contact surface onto which the incoming hook presses, thereby causing a movement of the gripping device, wherein the gripping device is shaped so that it rotates and loses contact with the contact point as the hook presses into the gripping device, and wherein the closing spring thereafter presses the gripping device into a new position which latches the door lock in a closed position.

28. (Rejected) The electric household appliance according to claim 22, wherein the means for selectively blocking comprises a locking head that is fixed to a pivoted shaft by means of a pivoted lever so that the locking head of the means for

selectively blocking can execute a rotary movement between the first position and the second position.

29. (Rejected) The electric household appliance according to claim 28, wherein the means for selectively blocking further comprises a restoring lever connected to the pivoted shaft and a spring that acts against the restoring lever to apply a restoring moment to the pivoted shaft so that the means for selectively blocking is biased towards the first position to activate the child safety feature.

30. (Rejected) The electric household appliance according to claim 28, wherein the means for selectively blocking further comprises an adjusting lever connected to the pivoted shaft, wherein a rectangular plate is formed on the adjusting lever, the rectangular plate including a protruding locating lug and a protruding limiting lug, and wherein the plate is elastically deformable.

31. (Rejected) The electric household appliance according to claim 30, wherein the door lock comprises a handle with a gripping shell, and wherein a free end of the adjusting lever projects partly over a slot-shaped recess in the gripping shell, and wherein a lateral or horizontal movement of the free end of the adjusting lever will cause pivoting movement of the pivoted shaft that will cause the means for selectively blocking to be moved between the first position and the second position.

32. (Rejected) The electric household appliance according to claim 31, wherein the adjusting lever is used to fix the means for selectively blocking in the second position for continuous deactivation of the child safety feature.

33. Canceled.

34. (Rejected) The electric household appliance according to claim 22, wherein the means for selectively blocking is arranged on an actuating slider in a slider housing and by means of a translational movement of the actuating slider in the slider

housing, the means for selectively blocking can be moved between the first position and the second position.

35. (Rejected) The electric household appliance according to claim 34, wherein the door lock comprises a handle with a gripping shell, and wherein the means for selectively blocking further comprises an actuating lever formed on the actuating slider, the actuating lever projecting from a slot in the gripping shell of the handle, wherein the actuating slider is moved with the actuating lever to move the means for selectively blocking between the first and second positions, and wherein the actuating lever is pressed into the first position by a spring.

36. (Rejected) The electric household appliance according to claim 35, wherein the means for selectively blocking further comprises a locating lug formed on the actuating slider, wherein when the means for selectively blocking is in the second position, the actuating slider engages in a recess of the slider housing.

37. (Rejected) The electric household appliance according to claim 22, wherein the movement of the means for selectively blocking between the first and second positions to activate and deactivate the child safety feature can be accomplished from a top of the door using an actuating element.

38. (Rejected) The electric household appliance according to claim 37, wherein the actuating element is removably mounted on the top of the door.

39. (Rejected) The electric household appliance according to claim 38, wherein the actuating element is connected to an actuating shaft on which a cam is formed, and wherein rotation of the actuating shaft causes the cam to move the means for selectively blocking between the first and second positions.

40-42. Canceled.

43. (Rejected) The electric household appliance according to claim 22, wherein the closing spring biases the closing member towards a locked position.

44. (Rejected) The electric household appliance according to claim 22, wherein the gripping device is pivotally mounted on the closing member.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

None